


E.2
5/29/09**Re: Options for South Dayton Dump and Landfill PRP RI /FS Schedule****RONALD MURAWSKI** to: Karen Cibulskis

05/29/2009 07:32 AM

Cc: tanaka.joan

Karen, if, as you say, the add'l field work is not necessary for the FS, I'd let the PRPs know that and tell them that the 11/16/09 date for the draft RI/FS is still the goal.

Karen Cibulskis/R5/USEPA/US



Karen
Cibulskis/R5/USEPA/US
05/28/2009 04:56 PM

To: RONALD MURAWSKI/R5/USEPA/US@EPA,
tanaka.joan@epa.gov
cc: nash.thomas@epa.gov, matt.justice@epa.state.oh.us
Subject: Options for South Dayton Dump and Landfill PRP RI/FS
Schedule

Hi. The PRPs for the South Dayton Dump and Landfill just submitted a schedule for remaining field work they want to conduct that won't get us the draft RI/FS Report until February 2010. The ROD is scheduled for 9/30/10, and based on site issues and the PRPs' previous performance, it is unlikely EPA would be able to get the FS finalized and issue a proposed plan in time for a 4th quarter ROD.

On May 11, 2009 EPA sent the PRPs a letter giving the PRPs 6 months to finish up any remaining field work they want to conduct and requesting the draft RI/FS by November 16, 2009. The PRPs contend they need to conduct this work (although they have yet to explain why), can't change the schedule, and said they won't be submitting the RI/FS until February 2010. However, EPA disagrees the work they are doing is even necessary for the FS.

(For example, the PRPs claim they need 2 rounds of groundwater monitoring data for risk assessment. However, EPA already conducted a streamlined risk assessment based on existing groundwater monitoring data to support moving forward with a presumptive remedy FS. Also, the nature and extent of contamination for alternatives development and evaluation will be better defined by the existing and additional VAS work - not the new wells and groundwater sampling the PRPs will be conducting - especially since the PRPs aren't even placing wells at all VAS locations where contamination was detected above risk levels.)

EPA allowed the PRPs to conduct the additional work the PRPs wanted to conduct - to convince themselves the site warranted EPA's presumptive remedy approach (contain landfill contents, on-site groundwater and, if necessary landfill gas) - in February 2008. EPA could only find a few tenuous PRPs for this large, costly site, and EPA's hope was that by giving the PRPs time to conduct this work, the PRPs would be more likely to sign on to the RD/RA. EPA's expectation was that the work would take one field season to conduct.

And while the PRPs did encounter significant, unanticipated, unavoidable delays during field work, we already moved the ROD target from 3/31/10 to 9/30/10. If EPA accepts the PRPs' February 2010 draft RI/FS submission schedule, the report will most likely require significant re-work before it can be approved, and EPA will not be able to issue a ROD by 4th quarter.

I'm not sure if you want to move the ROD date to FY2011. If not, some other options we have are:

1. Give the PRP's until November 16, 2010 to get us the RI/FS report for landfill contents and until

February 2010 to get us the RI/FS for on-site groundwater. Since the PRPs are not going to be doing any more landfill characterization work and should be able to complete their limited landfill gas investigation this summer, the PRPs should be able to get us the RI/FS for landfill contents by November. Then while we are reviewing the RI/FS for the landfill contents, the PRPs can finish up any groundwater work they want to do and get us the groundwater RI/FS in February. That way, we should at least be able to get a ROD out for landfill contents by 9/30/10 even if the groundwater issues/reports are not resolved.

2. Change the structure of the operable units. Currently OU1 is for landfill contents and on-site groundwater, and OU2 is for off-site groundwater and adjacent river sediment. However, given the complexity associated with the groundwater at this site (VOC contamination over 100 ft-bgs, the influence of the adjacent river, changing groundwater flow directions, and a possible co-mingled plume from an adjacent facility built on a still-unregulated landfill with LUST contamination), the site might be better addressed by having OU1 address landfill contents, and OU2 address on- and off-site groundwater and adjacent river sediments. Then we can still request the RI/FS for landfill contents by November 16, 2009 and get our 9/30/10 ROD for landfill contents, but give the PRPs longer time to sort out and comprehensively address groundwater issues.

3. Have our oversight contractor complete the RI/FS for landfill contents and on-site groundwater using whatever data the PRP has. Our contractor has already said they can do this and we have enough site-specific special account money to fund this. We might still not get the RI/FS until February 2010, but at least we would avoid the significant and contentious re-work we might expect with the PRPs' report.

Please consider these options and let me know how you think we should proceed so I can let the PRPs know. I am available to discuss this anytime on Monday or Tuesday.

Thanks, Karen.